



**THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, JOHANNESBURG**

CASE NO: 2024/000953

DELETE WHICHEVER IS NOT APPLICABLE

- (1) REPORTABLE: ~~YES~~/NO
(2) OF INTEREST TO OTHERS JUDGES: ~~YES~~/NO
(3) REVISED

15/01/2026

In the matter between:

MOEKETSANE HOMEBOY EPHRAIM THABISO

Plaintiff

and

ROAD ACCIDENT FUND

Defendant

JUDGMENT

BHOOLA AJ,

Introduction

[1] This is an application for default judgment, where the plaintiff, Mr Thabiso Ephraim Homeboy, institutes action against the Road Accident Fund (“the RAF”)

seeking damages arising from a motor vehicle collision that allegedly occurred on 17 June 2023, at or near Legwale Street, Moletsane, Soweto, Gauteng Province.

[2] The merits have been settled 100% in favour of the plaintiff. The plaintiff's claim rests only on quantum, specifically on loss of earnings. The plaintiff bears the onus of proving the negligence of the insured driver on a balance of probabilities.

Factual background

[3] The summons was issued on 10 January 2024 and served on the defendant on 16 January 2024. The defendant filed a notice of intention to defend on 17 January 2024 and failed to deliver its plea timeously. A notice of bar was served on the defendant on 25 March 2024, and the defendant failed to file its plea. The defendant is *ipso facto* barred.

[4] The court cannot find a notice of set down in this matter, nor can it find a practice note or any heads of argument.

[5] There is no application for default judgment nor is there any application for an application in terms of Rule 38(2).

[6] The matter has accordingly not been enrolled on the default trial roll.

Legal Principles

[7] Practice Directive 1 of 2024, as amended in June 2024, regulates the enrolment, case management and hearing of civil trials, including Road Accident Fund matters in this Division. The following directives are applicable in this case:

7.1 Paragraph 19.3 regulates the requirements of practice notes which are peremptory.

7.2 Paragraph 19.4 deals with final enrolment and provides that compliant practice notes must be filed within the prescribed time periods before it may be heard.

7.3 Paragraph 22 provides that RAF matters enrolled for default judgment is not except from paragraph 19.

Evaluation

[8] In the absence of a notice of set-down, a practice-note, and heads of argument the matter is not properly before court for the adjudication of quantum relating to loss of earnings. . In such circumstances, the court is obliged to case manage the matter and issue procedural directives aimed at ensuring compliance with the Rules of Court and the Practice Directives.

[9] The pleadings are also inconsistent with the draft order uploaded.

[10] It would be inconsistent with the Practice Directive 1 of 2024 (as amended) and with the orderly administration of justice for this court to entertain or determine the issue of quantum where the matter has not been properly enrolled, and the mandatory practice note documentation has not been filed.

[11] The appropriate course in this matter under the circumstances is accordingly not to determine quantum, but to issue directions to enable the regularisation of the matter.

[12] The matter is accordingly not ripe for adjudication. To entertain it in its present form would condone irregular procedure and undermine directive-based case management.

Order

[13] In the result, the following order is made:

13.1 the matter is not ripe for the adjudication of quantum and cannot be considered as such in the absence of a proper set- down and a compliant practice note and heads of argument.

13.2 The plaintiff is directed to take steps to properly enrol the matter, on the default judgment trial roll, as may be appropriate, in accordance with Practice Directive 1 of 2024 (as amended) and the Uniform Rules of Court.

13.3 The matter is removed from the default judgment trial roll.

13.4 There is no order as to costs.



CB. BHOOLA
JUDGE OF THE HIGH COURT
GAUTENG LOCAL DIVISION, JOHANNESBURG

Delivered: This judgment was prepared and authored by the Judge whose name is reflected on 15 January 2026 and is handed down electronically by circulation to the parties/their legal representatives by e mail and by uploading it to the electronic file of this matter on CaseLines. The date for hand-down is deemed to be 15 January 2026.

APPEARANCES

Date of hearing: 21 October 2025

Date of judgment: 15 January 2026

For the plaintiff: Adv. Sithole
(Tel: 066 287 4189)

Instructed by: Fout Attorneys
(081 513 2520)

For the Defendant: No appearance